

University of Oklahoma College of Law University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

3-5-1832

New York -- inhabitants of -- Cherokee Indians.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Doc. No. 175, 22nd Cong., 1st Sess. (1832)

This House Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

NEW YORK—INHABITANTS OF—CHEROKEE INDIANS.

MARCH 5, 1832.

Referred to the Committee of the Whole House on the state of the Union.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the undersigned, inhabitants of the city of New York,

RESPECTFULLY REPRESENTS:

That, in 1791, and shortly after the organization of the Federal Government, a treaty was concluded between the United States and the Cherokee nation, by which the United States, in the 7th article of that treaty, agreed to "solemnly guarantee to the Cherokee nation, all their lands not thereby ceded to the United States;" That, by the 6th article of a treaty made between the same parties, at Tellico, in 1798, the United States agreed "to continue the guarantee of the remainder of their country forever;" That these treaties were solemnly sanctioned by the Senate of the United States, and by George Washington and John Adams, and that their stipulations have not been altered by consent, nor impaired by the conduct of the Cherokee tribes: That laws were duly passed by Congress to carry into effect those stipulations, by one of which, dated March 30th, 1802, and approved by Thomas Jefferson, all persons are prohibited from making any intrusion upon, or surveying the Indian lands secured by treaty, under a penalty of \$1,000, and three months' imprisonment; and the President of the United States is empowered to enforce the observance of the provisions of that act. Your memorialists further represent, that the stipulations of those treaties have been faithfully observed, and the provisions of the act of 1802 have been strictly enforced, up to the year 1829; but that, since that time, persons acting by virtue of certain pretensions of the State of Georgia, (first advanced within a few years,) have intruded upon the territory thus guarantied to the Cherokee nation, dragged individuals belonging to that tribe to prison, and, in various ways, have violated their rights in defiance of the laws and treaties of the United States. Your memorialists further show, that, in equal disregard of the obligations of the Union and the rights of the Indians, by laws recently passed by the Legislature of that State, the Cherokee territory has been formally annexed to the adjacent counties, and provision has been made to survey their lands, and divide them among the citizens of that State by means of a land lottery.

Your memorialists further show, that two American citizens, who have settled in the Cherokee country with the sanction of the Federal Government, and with the view of promoting its former humane policy of civiliz-

ing the aborigines, have been arrested while peaceably residing within the territory, and condemned to an infamous punishment, which they are now undergoing in a Georgia prison, for no other offence than a refusal to take an oath of allegiance to that State as a separate member of the confederacy.

Your memorialists further represent, that no steps have been taken by the Government of the United States to prevent these manifest violations its laws and its treaties, or to comply with its solemn guarantee: They would therefore, as citizens of the United States, and deeply interested in the character of their common country for humanity and good faith, respectfully, but earnestly, entreat your honorable bodies to adopt such measures in the case referred to, as shall enforce the observance of the laws of the Union, preserve inviolate the faith of treaties solemnly executed, vindicate the constitutional authority of the Federal Government, and secure our national character from lasting shame and reproach.